

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

U.S. DISTRICT COURT
AUGUSTA, GA.

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UNITED STATES OF AMERICA

) INFORMATION NO.

)

) 26 U.S.C. § 7202

v.

) Failure to Account for and Pay

MELISSA METTS JOHNSON

) Over Employment Taxes

CR422-158

THE UNITED STATES ATTORNEY CHARGES THAT:

Introductory Allegations

Parties and Entities

1. At all times relevant to this Information, LHMS, Inc. was a corporation doing business in Savannah, Georgia, which is within the Southern District of Georgia. LHMS, Inc. operated a franchise of Mellow Mushroom restaurant in Savannah.

2. Defendant **MELISSA METTS JOHNSON** was the sole owner of LHMS, Inc. d/b/a Mellow Mushroom.

3. Defendant controlled LHMS, Inc.'s business affairs, including approving payments by the company and controlling LHMS, Inc.'s bank accounts.

4. From 2015 through 2019, Defendant caused LHMS, Inc. to make thousands of dollars of expenditures for Defendant's personal benefit while, at the same time, failing to pay over to the Internal Revenue Service payroll taxes withheld from LHMS, Inc.'s employees' paychecks and, further, failing to remit monies withheld from LHMS, Inc.'s employees' paychecks.

Employment Tax Withholding

5. From 2015 through 2019, LHMS, Inc. withheld taxes from its employees' paychecks, including federal income taxes, Medicare and social security taxes (often referred to as Federal Insurance Contribution Act or "FICA" taxes). These taxes will be referred to in this Information collectively as "payroll taxes."

6. LHMS, Inc. was required to make deposits of the payroll taxes to the Internal Revenue Service on a periodic basis. As the sole owner of LHMS, Inc., Defendant was a "responsible person," that is, she had the corporate responsibility to collect, truthfully account for, and pay over LHMS, Inc.'s payroll taxes.

7. Throughout the calendar years 2015 through 2019, LHMS, Inc. withheld tax payments from its employees' paychecks. However, in various quarters from 2015 through 2019, LHMS, Inc. failed to pay to the Internal Revenue Service all taxes she withheld from her employees' wages.

8. Altogether, Defendant caused LHMS, Inc. to fail to account for and pay over \$428,203.48 in payroll taxes.

COUNT ONE
Failure to Account for and Pay Over Employment Taxes
26 U.S.C. § 7202

9. Paragraphs 1-8 above are re-alleged and incorporated herein by reference.

10. Beginning with the fourth quarter of 2015 and through the fourth quarter of 2019, Defendant **MELISSA METTS JOHNSON** did willfully fail to truthfully account for and pay over to the Internal Revenue Service all of the payroll

taxes due and owing to the United States on behalf of LHMS, Inc. d/b/a Mellow Mushroom and its employees. Most recently, on or about April 6, 2020, in the Southern District of Georgia, Defendant willfully failed to truthfully pay over to the Internal Revenue Service any of the \$35,882.29 in payroll taxes due and owing to the United States on behalf of LHMS, Inc. d/b/a Mellow Mushroom and its employees.

All in violation of Title 26, United States Code, Section 7202.



David H. Estes
United States Attorney



Chris Howard
Assistant United States Attorney
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Patricia G. Rhodes
Assistant United States Attorney
Chief, Criminal Division